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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,964	03/30/2001	Lev Brouk	GRCN001/02US	3907

22434 7590 01/25/2007  
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EXAMINER

.LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/820,964

Applicant(s)

BROUK ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the amendment and remarks filed on November 28, 2006.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible ~~for~~ continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2006 has been entered.
3. Claims 1-16 are presented for examination.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.
5. The amendment filed November 28, 2006 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "said mapped service... acts as a proxy for said first service with said second service *at the application level*". Applicant is required to cancel the new matter in the reply to this Office Action.

*Claim Rejections – 35 USC 112*

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6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to teach “said mapped service... acts as a proxy for said first service with said second service *at the application level*”. The specification does not disclose mapping service acts as a proxy for said first service with said second service *at the application level*. In fact, “application level” was not even mentioned in the specification.

*Claim Rejections – 35 USC 101*

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 9 is rejected under 35 U.S.C. 101 because “a computer program product” can be considered as a computer product [i.e., software per se], which is not one of the categories of statutory subject matter.

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10. Claims 10-14 are rejected under 35 U.S.C. 101 because “A message routing system” giving its broadest interpretation can be considered as a software program for enable routing of message [i.e., software per se], which is not one of the categories of statutory subject matter, and it does not produce a useful, concrete and tangible result.

11. Claims 15-16 are rejected under 35 U.S.C. 101 because “A message routing method” giving its broadest interpretation can be considered as a software program for enable routing of message [i.e., software per se], which is not one of the categories of statutory subject matter, and it does not produce a useful, concrete and tangible result.

*Claim Rejections – 35 USC 102*

12. Claims 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Zombek et al, U.S. Patent 6,704,768 (hereinafter Zombek).

13. Zombek was cited in the last office action.

14. As per claim 9, Zombek taught the invention as claimed comprising:  
associating an identifier with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon authentication of said entity with a first service that supports said entity account (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29);

receiving, from a second service, a message including said identifier, said message being directed to a mapped service (e.g. MR) (col. 20, lines 47-52; col. 21, lines 6-13), wherein said mapped service is an entity account-specific representation of said first service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application) and acts as a proxy for said first service with said second service at the application level (i.e. MR acts as proxy between the BES network with BES executed application and the client network with client application) (fig. 1c; col. 22, lines 50-65); and translating, by said message routing network, said message for delivery to said first service (col. 32, lines 46-50), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said mapped service to said first service (col. 21, lines 32-53; col. 22, lines 22-29).

15. As per claim 10, Zombek taught the invention as claimed comprising:  
a message routing network that enables routing of a message between a first service and a second service, said message being associated with an account being supported by said second service, wherein said message routing network is operative to effect a virtual service at the application level (i.e. MR provides mapping of message between application of BES and the client application) through which said first service and said second service communicate, wherein implementation of said virtual service is supported by a mapping that associates said virtual service with said account (col. 22, lines 51-61) (i.e. MR acts as a proxy for mapping client application message with account information (e.g. server ID and service type) of the registered server).

16. As per claim 11, Zombek taught the invention as claimed in claim 10 above. Zombek further taught wherein said message includes an identifier that is associated with said account (col. 20, lines 47-52; col. 21, lines 6-13).

17. As per claims 12 and 14, Zombek taught the invention as claimed in claim 10 above. Zombek further taught wherein mapping is stored by said message routing network, and said mapping is stored by said second service (col. 22, lines 26-29, 51-59).

18. As per claim 13, Zombek taught the invention as claimed in claim 12 above. Zombek further taught wherein said message routing network adds an identifier of said account to a message being delivered to said second service (col. 15, lines 26-33).

*Claim Rejections – 35 USC 103*

19. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zombek and Shiozawa, U.S. Patent Application Publication 20010005358 (hereinafter Shiozawa) in view of Official Notice.

20. As per claim 1, Zombek taught the invention substantially as claimed for routing an application-level message (col. 4, lines 36-39) between services in a message routing network,

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said application-level message including a header (col. 22, lines 52-54) and one or more of a body (col. 48, lines 40-41) comprising:

associating an identifier with an entity that has been authenticated by said message routing network, wherein said identifier is to be associated with an entity account upon authentication of said entity with a first service that supports said entity account (col. 20, lines 35-51; col. 21, lines 32-53; col. 22, lines 23-29);

receiving, from a second service, a message including said identifier, said message being directed to a mapped service (e.g. MR) (col. 20, lines 47-52; col. 21, lines 6-13), wherein said mapped service is an entity account-specific representation of said first service (col. 21, lines 39-53) (i.e. MR represents the service type of the BES or server application) and acts as a proxy for said first service with said second service at the application level (i.e. MR acts as proxy between the BES network with BES executed application and the client network with client application) (fig. 1c; col. 22, lines 50-65); and

translating, by said message routing network, said message for delivery to said first service (col. 32, lines 46-50), wherein said translated message includes said identifier (col. 20, lines 47-52) and is directed from said mapped service to said first service (col. 21, lines 32-53; col. 22, lines 22-29).

21. Zombek did not teach determine whether a route for a message needs to be modified.

Shiozawa taught a mapped service is operable to determine whether a route for a message needs to be modified prior to delivering the message to a destination (page 5, paragraphs 73-76); and



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when the mapped service determines that said route for the message does not need to be modified, the message is delivered to the destination (page 5, paragraphs 72 and 73).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zombek and Shiozawa because Shiozawa's teaching of determining whether a route for a message needs to be modified would increase the reliability of Zombek's system by allowing restoration of data transmission in case of fault occurrence without undesired reduction in efficiency on the use of network bandwidth (page 1, paragraphs 1 and 9).

23. Zombek and Shiozawa did not teach an attachment. "Official Notice" is taken for the concept of message with attachment if known and accepted in the art (e.g. email with attachment). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include attachment because by doing so it would efficiency of their systems by allowing a file to be sent with a message instead of individually sending the message and the file.

24. As per claim 2, Zombek and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said identifier is a message routing network ID (col. 22, lines 26-29).

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25. As per claim 3, Zombek and Shiozawa taught the invention substantially as claimed in claim 2 above. Zombek further taught wherein said identifier is a message routing network ID for said mapped service (col. 22, lines 26-29).

26. As per claim 4, Zombek and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising the step of associating said identifier with an entity account upon authentication of said entity with said first service (col. 14, lines 66-col. 15, lines 1).

27. As per claim 5, Zombek and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein said translating comprises adding an identifier of said entity account to said message (col. 15, lines 26-33).

28. As per claim 6, Zombek and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught wherein upon receipt of said translated message, said first service associates said identifier with said entity account based on a mapping internal to said first service (col. 22, lines 26-29, 51-59).

29. As per claim 7, Zombek and Shiozawa taught the invention substantially as claimed in claim 1 above. Zombek further taught comprising receiving a second message from said first service, said second message being directed to said mapped service (col. 24, lines 49-56).

30. As per claim 8, Zombek and Shiozawa taught the invention substantially as claimed in claim 7 above. Zombek further taught comprising translating said second message for delivery to said second service (col. 32, lines 66-col. 33, lines 2).

31. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux et al U.S. Patent Application Publication 2004/0243574 (hereinafter Giroux) in view of Bantz et al, U.S. Patent 6,925,488 (hereinafter Bantz).

32. Giroux and Bankz were cited in the last office action.

33. As per claim 15, Giroux taught the invention substantially as claimed comprising:  
providing an application-level proxy service ((e.g., ASP server, 160, fig. 3) for messages transferred between a first application service provider (110, fig. 3) and a second application service provider (120, fig. 3) in a message routing network (page 3, paragraph 53) (i.e., ASP server 160 providing a proxy service for transferring data from ASP server 110 to ASP server 120), said first application service provider and said second application service provider providing application services for an enterprise (page 1, paragraph 6), said proxy service being provided by the message routing network (fig. 3) and enabling said first application service provider to send application-level information on behalf of said enterprise to said second application service provider (page 4, paragraph 65) (i.e., requesting data from ASP server 110 on behalf of the user and sending the requested data to ASP server 120).

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34. Giroux did not specifically teach sending information without having knowledge of the sender and the receiver. Bantz taught a proxy service enabling a first server to send information on behalf of said enterprise to a second server without said first server and said second server having knowledge of each other (col. 6, line 56-col. 7, line 25).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux and Bantz because Bantz's method of sending message without sender and receiver having knowledge of each other would increase the efficiency of Giroux's system by allowing message to be sent to recipients without burdening a the message sender with the identification of all of the recipients (col. 5, lines 25-31).

36. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux and Bantz in view of Zombek.

37. As per claim 16, Giroux and Bantz taught the invention substantially as claimed as in claim 15 above. Giroux and Bantz did not teach adding an account identifier to a message. Zombek taught wherein said proxy service adds an account identifier to a message that is transmitted to said second application service provider (col. 15, lines 26-33).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Giroux, Bantz and Zombek because Zombek's teaching of

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adding an account identifier to a message would increase the efficiency's of Giroux's and Bantz's systems by allowing a recipient to quickly identify the sender of the message.

39. Applicant's arguments with respect to claims 1-16, filed 11/28/06 have been considered but they are not persuasive.

40. In the remarks, applicant argued that:

(1) Zombek fails to teach a mapped service or a proxy operating at the application level.

(2) Giroux fails to teach that all user request are required to go through ASP server.

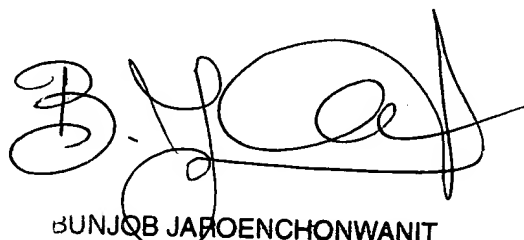
41. In response to point (1), Zombek teaches a message router (MR) that acts as a proxy between BES executed application and client application (fig. 1c; col. 22, lines 50-65).

42. In response to point (2), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that all user request are required to go through ASP server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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43. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



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